

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALISON VALENTE, JENNIFER
BARLOW, KATHRYN MONROE,
SOPHIA SMITH, STEPHANIE
LEBEAU on behalf of
themselves and all others
similarly situated,

CIVIL ACTION
FILE NO.
1:15-CV-02477-ELR

Plaintiffs,

vs.

INTERNATIONAL FOLLIES, INC.,
d/b/a THE CHEETAH and WILLIAM
HAGOOD,

Defendants.

DEPOSITION OF

VANESSA KIM LANDWERTH

Monday, October 30, 2017

11:01 a.m.

Suite 2700
260 Peachtree Street
Atlanta, Georgia

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ORIGINAL

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(Reporter disclosure made pursuant to
Article 10.B of the Rules and Regulations of the
Board of Court Reporting of the Judicial Council
of Georgia.)

VANESSA KIM LANDWERTH,
having been first duly sworn, was examined and
testified as follows:

EXAMINATION

BY MR. DUDLEY:

Q. Can you state your full name, please.

A. Vanessa Kim Landwerth.

Q. Ms. Landwerth, my name is Ainsworth
Dudley. I represent a number of former and current
entertainers who worked or are working at the Cheetah.
And I have brought arbitrations on their behalf and
there was a collective action on their behalf. I have
noticed Cheetah to testify about that case. You are
aware of that case or cases, are you not?

A. I am aware.

Q. How long have you worked for Cheetah?

A. Since 1996.

Q. Have you always been a housemom?

A. No.

Q. Tell me what positions you had at Cheetah
in chronological order, if you could.

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1 A. I started as a waitress and a bartender.

2 Q. All right.

3 A. Then housemom.

4 Q. You started out as a waitress in 1996.

5 How long were you a waitress?

6 A. Two years.

7 Q. So roughly 1998 you became a bartender?

8 A. Yes.

9 Q. How long were you a bartender?

10 A. Until 2006.

11 Q. You have been a housemom since then?

12 A. Yes.

13 Q. As a housemom have you always been
14 nightshift?

15 A. Yes.

16 Q. Have you ever given a deposition before?

17 A. No.

18 Q. Do you understand you are giving a
19 statement under oath?

20 A. Yes.

21 Q. I am going to ask you questions. This
22 lady is recording the questions and your answers so if
23 you could give her a verbal answer, I would appreciate
24 it, rather than shake your head or nod your head.

25 A. Okay.

1 Q. Makes it easier for her and me, actually.

2 Can you tell me what your duties as a
3 housemom are?

4 A. We check in the girls, put them in a
5 rotation, make sure that they go out for stage sets.
6 Help anyone that needs help. Make sure that by the
7 end that they are coming back to the back, doing their
8 checkouts. Breathalzying.

9 Q. Anything else?

10 A. We also, you know, go over schedules,
11 things like that. Those people that aren't coming in,
12 we may call out to them.

13 Q. Why do you make calls out to people who
14 aren't coming in?

15 A. Sometimes we do not hear from them if they
16 are scheduled so we will find out if they are planning
17 to come in and what time.

18 Q. Do you work the housemom desk or are you
19 generally on the floor?

20 A. I typically do the desk. Sometimes I work
21 the floor.

22 Q. How often do you do the desk and how often
23 do you do the floor?

24 A. I would say three nights out of my four
25 are on the desk.

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1 Q. You would agree with the statement that
2 what the housemom at the desk does is different than
3 what the housemom on the floor does, correct?

4 A. Yes.

5 Q. Let's talk about the desk. Before we get
6 into that, let me ask you this, you agree that Cheetah
7 is a strip club.

8 A. Yes.

9 Q. And you agree that they always want a
10 certain number of entertainers on the premises,
11 correct?

12 MR. WARD: Object to the form.

13 Q. (By Mr. Dudley) You can answer.

14 A. Can you repeat the question.

15 MR. DUDLEY: Can you read back the
16 question, please.

17 (The record was read by the reporter.)

18 THE WITNESS: No.

19 Q. (By Mr. Dudley) So it is your contention
20 that Cheetah doesn't have some type of goal of having
21 a certain number of entertainers dancing per shift?

22 A. No.

23 Q. They do not need adult entertainers to
24 function?

25 A. We do need adult entertainers to function.

1 Q. All right. Why is that?

2 A. That's why customers come in.

3 Q. Correct. And generally the more adult
4 entertainers you have, the happier the customers are,
5 right?

6 MR. WARD: Object to the form.

7 Q. (By Mr. Dudley) You can answer.

8 MR. WARD: That wasn't a question.

9 MR. DUDLEY: It was.

10 You can read it back.

11 (The record was read by the reporter.)

12 MR. WARD: I withdraw. I didn't hear the
13 "right."

14 THE WITNESS: Yes.

15 Q. (By Mr. Dudley) So it is a true statement
16 that they want a certain number of entertainers
17 dancing per shift, correct?

18 A. Yes. There's not a certain number. But
19 the more entertainers, I guess, the better.

20 Q. Better for Cheetah, better for the
21 customers, right?

22 A. Better for customers.

23 Q. Better for Cheetah?

24 A. And better for Cheetah.

25 Q. Maybe not better for the entertainer but

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1 better for those two, right?

2 MR. WARD: Object to the form.

3 Q. (By Mr. Dudley) Would you agree with that
4 statement?

5 A. What is the question?

6 (The record was read by the reporter.)

7 MR. WARD: Again, object to the form.

8 THE WITNESS: It is not -- are you asking
9 if it is not better for the entertainer?

10 Q. (By Mr. Dudley) All I can do is ask the
11 question. I am not trying to be complicated here. I
12 am simply saying an entertainer may be adversely
13 affected by there being too many adult entertainers,
14 right?

15 A. Yes. They may.

16 Q. They may make less money, right?

17 A. Yes, they may.

18 Q. That's not the case for the club, correct?

19 A. Correct.

20 Q. And that is certainly not the case for the
21 customer, right?

22 A. Correct.

23 Q. And it is a fact that Cheetah likes to
24 have a certain number of entertainers dancing on the
25 stage at all times of operation, right?

10

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1 A. Yes.

2 Q. And that's because that's why people come
3 there, right?"

4 A. Yes.

5 Q. Now, as a housemom, wouldn't you agree
6 with the statement that one of your primary functions
7 is to make sure that there are enough entertainers
8 there to satisfy Cheetah?

9 A. Yes.

10 Q. And you would agree with the statement
11 that there are rules that Cheetah has to make sure
12 that there are entertainers there, correct?

13 A. Yes.

14 Q. Those include having scheduling
15 requirements, right?

16 A. Yes.

17 Q. That includes up to April the 9th, 2016,
18 of fining entertainers who didn't show up for work,
19 correct?

20 A. No.

21 Q. Let me rephrase that. Fining entertainers
22 showing up late to work, correct?

23 A. Not all entertainers.

24 Q. I didn't ask you -- I know your testimony
25 today is going to be not all entertainers are always

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1 fined. But Cheetah does fine entertainers for being
2 late to work, correct?

3 A. We did.

4 Q. Prior to April 9th, 2016, right?

5 A. Yes.

6 Q. And they did that so entertainers would
7 show up on time, correct?

8 A. Some entertainers, yes.

9 Q. They also have rules to make sure
10 entertainers don't miss their stage sets, right?

11 A. Yes.

12 Q. And they also fined entertainers or have
13 fined entertainers for missing a stage set, correct?

14 A. We have fined in the past.

15 Q. Before April 9th, 2016.

16 A. Yes.

17 Q. Then the next series of questions until I
18 tell you otherwise, I am going to talk about the
19 period before April 9th, 2016 --

20 A. Okay.

21 Q. -- and for purposes of your testimony, the
22 period from 2006 when you became a housemom until
23 April 9th, 2016. That's all I am going to ask you
24 about until I tell you otherwise, okay?

25 A. Yes.

1 Q. Cheetah also has a cover policy in order
2 to encourage entertainers to show up for work; is that
3 correct?

4 A. No.

5 Q. Cheetah did not have a written policy that
6 required entertainers to get covers when they had an
7 unexcused absence from work, yes or no?

8 A. Yes.

9 Q. They did have a written policy?

10 A. I believe it was stated maybe in the
11 guidelines.

12 Q. You consider that to be a policy?

13 A. No. I believe it to be guidelines.

14 Q. The guidelines are something that you as a
15 housemom share with an entertainer when they are
16 hired, correct?

17 A. Yes.

18 Q. You explain to the entertainer that this
19 is what she is supposed to do at work, correct?

20 A. Yes.

21 Q. And it states if you can't come to work
22 for an excused reason, then you must have a cover,
23 correct?

24 A. Or they can switch a shift which would be
25 a cover also.

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1 MR. DUDLEY: Can you read back my
2 question, please.

3 (The record was read by the reporter.)

4 THE WITNESS: Yes.

5 Q. (By Mr. Dudley) You as a housemom know
6 the entertainers have to pay other entertainers to
7 cover, correct?

8 MR. WARD: Object to the form.

9 THE WITNESS: They don't have to. That
10 was a choice they made.

11 Q. (By Mr. Dudley) If that's the only way
12 they can get cover, they have to pay them to have a
13 cover, do they not? You would agree with that
14 statement?

15 MR. WARD: Object to the form.

16 THE WITNESS: They could also switch
17 shifts.

18 Q. (By Mr. Dudley) I understand that some
19 entertainers didn't always pay a cover for an
20 unexcused absence. That's not my question to you. My
21 question to you is did entertainers pay covers on
22 occasion.

23 A. Yes.

24 Q. And you as a housemom were aware that
25 entertainers paid covers to other entertainers,

1 correct?

2 A. Yes.

3 Q. And you as a housemom know that sometimes
4 that's the only way an entertainer can get somebody to
5 cover is by paying them to cover, correct?

6 MR. WARD: Object to the form.

7 THE WITNESS: Can you --

8 (The record was read by the reporter.)

9 THE WITNESS: Yes.

10 Q. (By Mr. Dudley) What you are trying to
11 tell me, I think, is that some girls are able to get
12 covers sometimes by not paying someone, correct?

13 A. Correct.

14 Q. Some entertainers will trade out a shift
15 in lieu of a cover, correct?

16 A. Correct.

17 Q. Now, as cover is being done, the housemoms
18 are involved in the process, are they not?

19 A. No.

20 Q. Housemoms are told by the entertainers
21 when somebody is covering for them and who is covering
22 for them, correct?

23 A. Sometimes.

24 Q. That is the way it is supposed to be done,
25 right?

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1 A. Yes. If they have a cover.

2 Q. They get in trouble if they don't do it
3 that way.

4 A. I don't -- no.

5 Q. You don't know or no?

6 A. No. They don't get in trouble.

7 Q. So it is your testimony that an
8 entertainer has never gotten in trouble for not
9 getting a cover when they are supposed to?

10 A. I can't say never.

11 Q. Then don't say it. That's what I am
12 asking you. Do you want to reanswer the question?

13 MR. WARD: I object to the form.

14 You asked two very different questions and
15 you are getting argumentative with her. You need
16 to ask the right question.

17 Q. (By Mr. Dudley) I want you to tell the
18 truth here. That's all I want you to do. I am asking
19 very simple questions. All I want you to do is give a
20 truthful answer.

21 MR. WARD: I object to that statement. I
22 object to that statement.

23 She has been nothing but truthful, kind,
24 and candid. That's inappropriate for you to
25 suggest she is doing anything else.

1 MR. DUDLEY: I haven't suggested anything
2 else. I told her what I expect her to do in the
3 deposition.

4 MR. WARD: We both know what you are
5 doing.

6 MR. DUDLEY: We both know what the answers
7 have been, too.

8 I really don't want to argue about this
9 with you, Kevin. Just make your objections.

10 MR. WARD: My objection is you are
11 harassing this witness by suggesting --

12 MR. DUDLEY: Nobody is harassing the
13 witness. That's ludicrous for you to say that.

14 MR. WARD: I will let you have your
15 opinion on that.

16 (The record was read by the reporter.)

17 MR. WARD: The question is does she want
18 to reanswer that question?

19 Q. (By Mr. Dudley) What is your answer to
20 that question?

21 MR. WARD: No, no.

22 Q. (By Mr. Dudley) VIP, that's my question.
23 What is your answer to the question she just read back
24 to you?

25 A. Maybe I am confused on the question. Has

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1 never gotten in trouble. An entertainer has never
2 gotten in trouble.

3 Q. What do you not understand about that?

4 A. The wording of it.

5 Q. Do you understand what the word "never"
6 means?

7 A. Yes, I do.

8 Q. Has Cheetah ever reprimanded someone for
9 not getting a cover when they were supposed to? Very
10 simple.

11 A. Yes.

12 Q. Thank you.

13 Is it your opinion if the cover policy was
14 not used by Cheetah the entertainers would not have
15 somebody cover for them?

16 MR. WARD: I don't even understand that
17 question.

18 Q. (By Mr. Dudley) Let me rephrase that.

19 A. Thank you.

20 Q. The purpose of the rule is obviously to
21 have an entertainer there when one entertainer can't
22 make it. What do you think would happen if you didn't
23 have that rule or Cheetah didn't have that rule?

24 MR. WARD: Object to the form.

25 THE WITNESS: They didn't always get

1 covers. Sometimes they would switch out shift or
2 have somebody cover them but --

3 Q. (By Mr. Dudley) What do you think would
4 have happened? Do you think The Cheetah entertainers
5 could get covers if there wasn't a rule to do that?

6 A. Yes.

7 Q. Yes, they would not get covers or yes,
8 they would get covers?

9 A. Yes, they would get covers.

10 Q. Even if there was no rule, they would
11 spend their time getting people to cover them and pay
12 them for that.

13 MR. WARD: Object to the form.

14 THE WITNESS: Not to pay them but to cover
15 them.

16 Q. (By Mr. Dudley) What do you think would
17 happen if Cheetah did not fine entertainers for being
18 late? What do you think would happen?

19 MR. WARD: Object to the form.

20 Can I have a standing objection on calling
21 for speculation because most of your questions
22 call for that?

23 MR. DUDLEY: You sure can. That's what
24 cross is all about.

25 MR. WARD: I don't want to keep

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1 interrupting with the same objection.

2 MR. DUDLEY: You can have a standing
3 objection.

4 (The record was read by the reporter.)

5 THE WITNESS: If we did not fine
6 entertainers for being late.

7 Q. (By Mr. Dudley) Yes.

8 A. Nothing.

9 Q. So the rule is pointless.

10 A. Not pointless. We do encourage girls to
11 come in early and there are some that would get there
12 by 8:00. Some choose to come in later.

13 Q. Again, I am talking about the period
14 before April 9th, 2016.

15 Let me ask you about that. After April
16 9th, 2016, what happens if an entertainer cannot make
17 it for a shift and it is unexcused? What is she
18 supposed to do?

19 A. If it is unexcused?

20 Q. Yes.

21 A. And there was no communication? They
22 would get written up.

23 Q. In fact, The Cheetah's cover policy has
24 not changed after April 9th, 2016, has it?

25 MR. WARD: Object to the form.

1 THE WITNESS: We encourage them to switch
2 shifts.

3 Q. (By Mr. Dudley) It is still the same
4 written policy, is it not?

5 A. There is (indicating).

6 Q. Is it the same written policy?

7 A. Yes.

8 Q. Can you tell me the sources of
9 compensation for an entertainer at Cheetah?

10 A. The sources of compensation. Cash or
11 Cheetah Bucks.

12 Q. Is that the form of the payment to
13 entertainers, cash or Cheetah Bucks?

14 A. Yes.

15 Q. And those --

16 A. This is by customers, correct?

17 Q. Well, before April 9th, 2016, did anybody
18 else pay entertainers --

19 A. No.

20 Q. -- other than customers?

21 A. No, sir.

22 Q. Was there a time you worked there from
23 2006 to April 9th, 2016, all payments to Cheetah
24 entertainers were from the customer to the
25 entertainer, correct?

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1 A. Correct.

2 Q. And that is explained to entertainers when
3 they are hired, correct?

4 A. Correct.

5 Q. They are told that's their money, correct?

6 A. Correct.

7 Q. And Cheetah doesn't keep track of the
8 amounts paid in cash or in Cheetah Bucks, do they, to
9 each entertainer?

10 MR. WARD: Object to the form.

11 THE WITNESS: Not cash.

12 Q. (By Mr. Dudley) Do you believe they keep
13 records of Cheetah Buck transactions?

14 A. Yes.

15 Q. Are those records specific to an
16 entertainer?

17 A. I don't know.

18 Q. Prior to April 9th, 2016, one of your
19 functions as a housemom when you were at the desk,
20 shifts you were at the desk, was to collect tipouts
21 from entertainers, correct?

22 A. Yes.

23 Q. And as part of that tipout process, you
24 were familiar generally with what entertainers earned
25 per shift, are you not?

1 A. To an extent if they have VIP.

2 Q. Each shift you are doing that, you are
3 dealing with, what, 60 entertainers all tipping out to
4 some degree based upon what their earnings are for the
5 night, correct?

6 A. Prior to 2016?

7 Q. Prior to April 9th, 2016.

8 A. No.

9 Q. During that period of time, wasn't the DJ
10 tipped based on a percentage of earnings of the
11 entertainer?

12 A. Yes.

13 Q. So when you go through this tipout process
14 with the entertainers each night, you have to have
15 some understanding of what they are earning that
16 night, correct?

17 A. Yes.

18 Q. Some entertainers do very well, correct?

19 A. Yes.

20 Q. Some make thousands per night, correct?

21 A. Yes.

22 Q. It is not atypical for an entertainer to
23 make a thousand dollars a night, is it?

24 A. Yes.

25 Q. It is atypical for one to?

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1 A. Yes.

2 Q. Tell me what you mean by that.

3 A. Not all do.

4 Q. I understand that. Not all do. Some do.

5 A. Some do.

6 Q. Is it unusual for an entertainer to make
7 that?

8 A. No.

9 Q. Some entertainers make 500 a night.

10 A. Yes.

11 Q. That's fairly common, isn't it?

12 A. It is.

13 Q. Some girls make thousands in VIP per
14 night.

15 A. Some do.

16 Q. Some don't?

17 A. And some don't.

18 Q. You are familiar with those amounts
19 because you collect VIP check-in fees from
20 entertainers, correct?

21 A. Yes.

22 Q. This is something you write down every
23 night when you are handling the desk, right?

24 A. Yes.

25 Q. And you have been doing this since 2006,

1 right?

2 A. Yes.

3 Q. And what do you do with these records?

4 A. The records?

5 Q. When you write it down at the end of the
6 night, what these things are, what do you do with
7 them?

8 A. The VIP sheet, I would keep.

9 Q. Where is that kept?

10 A. In my bag in my locker until they get
11 full.

12 Q. Until they get what?

13 A. Until they get full. Then I would take
14 them home.

15 Q. You take them home?

16 A. Yes.

17 Q. So you have records of how long?

18 A. Well, I don't anymore. But since I
19 started.

20 Q. So you had records at home from 2006 until
21 April 9th, 2016?

22 A. I am not certain of the exact date of what
23 I had. But there were a lot. With my checkout forms.

24 Q. Has anyone at Cheetah ever asked you to
25 produce these forms to them?

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1 A. No.

2 Q. Those forms would have records of -- that
3 would show what, exactly?

4 A. Just their VIPs.

5 Q. VIP what?

6 A. Their check-ins and out. I have the
7 rotation for all of the girls that were working that
8 night.

9 Q. What else?

10 A. Fees.

11 Q. What kind of fees?

12 A. VIP fees.

13 Q. What do you consider to be a VIP fee?

14 A. The \$10 per.

15 Q. Is that something different than a VIP
16 check-in fee?

17 A. No. It is the same.

18 Q. What else?

19 A. I have the missed set fees and late fees
20 also on there, if there were any.

21 MR. WARD: I am going to ask you to speak
22 up just a little bit. I have trouble hearing.

23 THE WITNESS: I am sorry.

24 MR. WARD: It is not your fault. It is
25 years of rock and roll and flying small planes.

1 I just can't hear.

2 Q. (By Mr. Dudley) Anything else?

3 A. The money turned in.

4 Q. What do you mean "money turned in"?

5 A. For my checkout, from those fees.

6 Q. Are you referring to a sheet that you give
7 to somebody else at the end of the night, a total? Is
8 that what you are referring to?

9 A. Yes.

10 Q. What do you call that?

11 A. Checkout form.

12 Q. Who is the checkout form given to?

13 A. The Cheetah Buck hostess.

14 Q. What does The Cheetah Buck hostess do with
15 it?

16 A. I have no idea.

17 Q. Do you understand what she is supposed to
18 do with it?

19 A. I guess she turns it in.

20 MR. WARD: Object.

21 He is not asking you to guess.

22 THE WITNESS: I don't know.

23 Q. (By Mr. Dudley) Do you have any
24 understanding of the purpose of you adding that up at
25 the end of the night?

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1 A. Yes. To know what her fees were for the
2 night.

3 Q. So who would know, the club?

4 A. Yes.

5 Q. So you add it up, what the VIP check-in
6 fees were, time spent in VIP -- well, let me rephrase
7 that.

8 The VIP check-in fees, the late fees, the
9 missed stage fees, those are added up and given to
10 Cheetah at the end of the shift, correct?

11 A. Yes.

12 Q. So it is your testimony that I can
13 determine the VIP -- the time that an entertainer was
14 in VIP, the amount of the check-in she paid, the
15 missed stage fees charged for the night, the late fees
16 charged for the night from these documents that you
17 kept on a per-shift basis, correct?

18 A. Yes.

19 Q. And are there any documents that will show
20 me those figures per entertainer rather than the
21 totals?

22 A. The VIP sheet would.

23 Q. Will show me the hours somebody was in
24 VIP?

25 A. Yes.

1 Q. The amount they paid in VIP check-in fees?

2 A. Yes.

3 Q. Would show me the late fees that
4 entertainer paid?

5 A. Not the checkout form.

6 Q. Well, what I am asking, what documents
7 will show that? Can I get that from a document on a
8 per-entertainer basis rather than a total basis? Do
9 you understand what I am asking?

10 A. Yes.

11 Q. I am asking what documents exist that I
12 can tell for a particular entertainer her check-in
13 fees or missed stage fees and her late fees. Is there
14 a document with those three things per entertainer?

15 A. There is a piece of paper with --

16 Q. What is that called?

17 A. It is just a piece of paper I would use
18 for my notes.

19 Q. What did you call it?

20 A. My fees sheet.

21 Q. This was a document that you used to
22 collect tipouts from entertainers at the end of the
23 shift, correct?

24 A. Yes.

25 Q. When were these documents retrieved from

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1 you, these and the totals, the checkout form?

2 A. When were they retrieved from me?

3 Q. By Cheetah.

4 A. The Cheetah did not retrieve them.

5 Q. Who has retrieved them from you?

6 A. Kevin did.

7 Q. When did you give them to Kevin?

8 A. Last week.

9 Q. Do you have a date?

10 A. They asked me on Monday.

11 Q. Monday of last week?

12 A. No. I am sorry. They asked me on Tuesday
13 of last week and I brought them Wednesday.

14 Q. I am going to be real clear on this.
15 Before Tuesday of last week, had anybody asked you for
16 these documents or whether these documents existed?

17 A. No.

18 Q. And can you tell me why you kept these
19 documents?

20 A. I keep everything.

21 MR. WARD: I am sorry. I couldn't hear
22 you.

23 THE WITNESS: I keep everything.

24 MR. WARD: I really can't hear. I really
25 do need to hear. Maybe if you turn a little bit.

1 THE WITNESS: Okay.

2 MR. WARD: It is okay. Not your fault I
3 am deaf.

4 Q. (By Mr. Dudley) Have you watched many
5 entertainers get ready for work?

6 A. Yes, I have.

7 Q. And that's because you have been in that
8 dressing room when they were getting ready for work;
9 is that correct?

10 A. Yes.

11 Q. You understand that Cheetah dancers do
12 their hair, put their makeup on, do their nails,
13 shave, tan, all those sorts of things getting ready
14 for work?

15 MR. WARD: Object to the form.

16 Q. (By Mr. Dudley) You are nodding your
17 head. Is that a yes?

18 A. Yes.

19 Q. Do you have an opinion as to how long it
20 takes the typical entertainer to get ready for work,
21 if that's possible?

22 MR. WARD: Object to the form.

23 THE WITNESS: That's asking me to narrow
24 it down a lot. Some take a few minutes, some
25 take three hours.

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1 Q. (By Mr. Dudley) Do you think it is
2 reasonable for an entertainer to take an hour doing
3 that?

4 A. Yes.

5 Q. Would you agree with the statement that
6 most entertainers probably take an hour doing that?

7 A. Yes.

8 Q. What time do you normally leave work?

9 A. 3:45.

10 Q. Why do you leave at 3:45, that time?

11 A. That's when everything is finished.

12 Q. Is that when the parking lot is cleared?

13 A. It is clear way before that.

14 Q. What time would you say the parking lot
15 clears each night?

16 A. Between 2:45, 3:00 o'clock.

17 Q. So it sounds like you gave a range from
18 2:45 to 3:00. Are you saying it is always clear by
19 3:00 o'clock?

20 A. Not always.

21 Q. What is the latest it has cleared that you
22 remember?

23 A. 3:10, 3:15.

24 Q. What are you doing around 3:10, 3:15
25 normally?

1 A. Cleaning up the dressing room. Prior to
2 2016, I was finishing up the checkout, counting the
3 money.

4 Q. You were still taking money from girls at
5 that time?

6 A. No. At the time they are free to go, when
7 the parking lot is clear.

8 Q. Do you still collect monies from
9 entertainers after 3:00 o'clock?

10 A. If they are still there.

11 Q. What is the latest you have still been
12 doing the checkout process, so to speak?

13 A. Probably about 3:00 o'clock.

14 Q. Is the latest you have ever done it?

15 A. 3:00, 3:15.

16 Q. 3:15 is the latest you have ever done it?

17 A. I cannot recall an exact time. But we try
18 to finish fairly quickly.

19 Q. Would you agree with the statement that
20 sometimes housemoms ask entertainers to clean up the
21 dressing room?

22 A. I ask them to clean their rows, their
23 area.

24 Q. When you say clean their rows, what are
25 you talking about?

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1 A. Where they sit and their area around them
2 where they get ready.

3 Q. You ask them to do that before they leave?

4 A. We ask them to help with that before they
5 leave.

6 Q. Do they do that?

7 A. Not all of them.

8 Q. What do you do if they don't?

9 A. I clean it up.

10 Q. You don't crack the whip, make them do
11 what you want them to?

12 A. No. I ask them to clean up their mess.

13 Q. Did you keep records of the amounts that
14 entertainers tipped you out at the end of a shift?

15 A. No.

16 Q. Is there a particular reason why you
17 didn't do that?

18 A. I just didn't.

19 Q. I mean, you seem pretty meticulous about
20 some records. I am just wondering why you didn't keep
21 records of that.

22 A. I just didn't.

23 Q. Did you include all those amounts on your
24 income tax returns?

25 A. Yes.

1 Q. So if I looked at your income tax returns,
2 I could tell how much entertainers tipped out?

3 A. Yes.

4 Q. It would be accurate?

5 A. Maybe not 100 percent, maybe a few hundred
6 dollars.

7 Q. How did you come to that amount if you
8 didn't keep records? I don't understand.

9 A. I typically would claim a certain amount
10 each week, a guesstimate of what I made through the
11 week.

12 Q. So it is not the actual amount you made
13 during that particular week. It is a guesstimate that
14 you would come up to when?

15 A. It is just a roundabout number. Each
16 night I would make 2 or 300. So I would claim that by
17 the end of the week on a Saturday night.

18 Q. This is something you would keep track of
19 on a weekly basis?

20 A. No.

21 Q. So at the end of the year, you would go
22 back and reconstruct what happened on a weekly basis?

23 A. I would enter it as my income.

24 Q. Explain to me what you mean by you would
25 enter it as your income.

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1 A. As my tips made.

2 Q. You would enter it into a Cheetah
3 computer?

4 A. Into my -- yes.

5 Q. Cheetah keeps records of it?

6 A. What I claim. Yes.

7 Q. Cheetah keeps records of what entertainers
8 tip them?

9 A. What they claim?

10 Q. Yes.

11 A. Yes.

12 Q. Tell me how that works.

13 MR. WARD: First time I heard that.

14 MR. DUDLEY: Boggles the mind.

15 MR. WARD: It is also completely wrong.
16 But go ahead.

17 THE WITNESS: I don't --

18 MR. WARD: She has no knowledge about
19 that. I don't know where she is getting this.

20 MR. DUDLEY: Listen, you are testifying
21 right now. You don't tell me what she has
22 knowledge of. You let her tell me what she has
23 knowledge of.

24 MR. WARD: Let's take a break.

25 MR. DUDLEY: No. We are not. I am in a

1 line of questions. I am going to finish this.

2 MR. WARD: I am taking a break.

3 We are taking a break.

4 MS. KIM: Follow him.

5 THE WITNESS: Okay.

6 (Recess from 11:44 a.m. to 11:47 a.m.)

7 MR. DUDLEY: Everybody ready?

8 MR. WARD: Yes, aside from aspirating my
9 coffee.

10 Q. (By Mr. Dudley) Does Cheetah keep records
11 of what entertainers tip you?

12 A. No.

13 Q. You do not declare the amounts of your
14 tips from entertainers to Cheetah?

15 A. Yes. When I claim my tips at the end of
16 the night now. Prior to, I did it weekly.

17 Q. I want to talk to you again about before
18 April 9th, 2016.

19 A. Yes.

20 Q. I don't care what you did as a waitress
21 and a bartender. But from 2006 to April 9th, 2016,
22 when you were a housemom, did you record or declare
23 the amount of your tips to Cheetah?

24 A. Yes, I did.

25 Q. How did you do that?

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1 A. When I clock out, it asks me how much I
2 claim.

3 Q. Okay. This is something you have been
4 doing since 2006?

5 A. Yes. My clock out, my claim. What I
6 enter.

7 Q. These are on Cheetah's records, correct,
8 their computers?

9 MR. WARD: I object to the form.

10 THE WITNESS: I do not know.

11 Q. (By Mr. Dudley) Where did you do this
12 clock in?

13 A. At Micros.

14 Q. A what?

15 A. It is called a Micros system.

16 Q. What is that?

17 A. It is a computer in which we clock in and
18 out on.

19 Q. You are talking about Cheetah's computer
20 you clock in and out of at work?

21 A. Yes.

22 MR. DUDLEY: Is there some confusion here
23 about whether this is Cheetah's records or not?

24 MR. WARD: Yes. There is all kinds of
25 confusion about it. The computer didn't exist at

1 the time you asked.

2 I will let you get what you want out of
3 her. She is not a 30(b)(6).

4 Q. (By Mr. Dudley) You got a W-2 from
5 Cheetah?

6 A. Yes.

7 Q. Did that include your tipped income on it?

8 A. Yes.

9 Q. So Cheetah would have records of whatever
10 your tipped income was, presumably?

11 A. Presumably.

12 Q. As far as you know, they would have
13 records for all of the housemoms?

14 A. As far as I know.

15 Q. Were all the other housemoms required to
16 clock in and declare tips like you were?

17 A. I would assume so. I don't --

18 Q. Makes perfect sense to me.

19 A. It does. But I don't know what they do.

20 Q. And certainly now that entertainers are
21 employees, they are expected to clock in and declare
22 the amounts of their tips, correct?

23 A. Yes. Now they are.

24 Q. And the waitresses do that?

25 A. Yes.

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1 Q. Bartenders do that?

2 A. Yes.

3 Q. All tipped employees do that as far as you
4 know?

5 A. As far as I know.

6 Q. Now, the tips you are talking about, does
7 that also include tips from the DJ or is that just
8 from entertainers?

9 A. Prior to?

10 Q. Prior to April 9th, 2016.

11 A. Yes.

12 Q. So prior to April 9th, 2016, who all
13 tipped you on a per-shift basis? Entertainers did, we
14 know that. Who else?

15 A. The DJ would sometimes give us tipout.
16 Maybe a customer or two.

17 Q. Is it safe to say that the DJ did not
18 typically tip you at the time?

19 A. He did. Most of the time.

20 Q. How did it change, I guess, from before
21 April 9th, 2016, to April 9th, 2016, so far as the DJ
22 goes?

23 A. The DJ still tips us out some money if he
24 wants to. It is at his discretion.

25 Q. My understanding -- you tell me if I am

1 wrong -- after April 9th, 2016, the DJ tips the
2 housemoms. Before that period of time, the DJ might
3 tip a housemom; is that correct?

4 A. That is correct.

5 Q. So when you filed your tax return, you
6 used Cheetah's W-2 which had your wages on it and a
7 tip amount, correct?

8 A. Yes.

9 Q. The tip amount on the W-2 is what you used
10 to declare your tipping income on your tax return,
11 right?

12 A. Yes.

13 Q. This was something that you declared on a
14 weekly basis or a nightly basis?

15 A. I declared it on a weekly basis.

16 Q. Prior to April 9th, 2016, how much each
17 night was an entertainer expected to tip a housemom or
18 the housemom?

19 A. It was customary to tip out \$10 if there
20 were two of us.

21 Q. You understand that Cheetah had a written
22 policy that said the minimum amount that an
23 entertainer was supposed to tip a housemom was \$10?
24 You understand that?

25 MR. WARD: Object to the form.

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1 THE WITNESS: I believe it was in the
2 guidelines.

3 Q. (By Mr. Dudley) Would you like me to show
4 it to you or do you remember what it was?

5 A. I remember.

6 Q. You remember that the minimum amount in
7 the guidelines is \$10 for housemoms, correct?

8 A. Yes.

9 Q. And was it your understanding that
10 entertainers were expected to tip floormen a minimum
11 of \$15 per shift?

12 A. If they could, yes.

13 Q. Was that an expectation that you believed
14 Cheetah had towards entertainers?

15 Do you believe Cheetah expected
16 entertainers to tip \$15 to floormen?

17 A. Yes.

18 Q. And was it your understanding that
19 entertainers were expected to tip out the DJ?

20 A. If they could, yes.

21 Q. Did the DJ expect entertainers to tip him
22 out?

23 A. If they could.

24 Q. Did Cheetah expect entertainers to tip the
25 DJ?

1 A. I don't really think it was The Cheetah.

2 Q. Are you aware of girls being reprimanded
3 for not tipping enough to the DJ?

4 A. No.

5 Q. Are you aware of Cheetah's written
6 policy -- again, I am talking about before April 9th,
7 2016 -- stating entertainers were expected to tip DJs
8 according to a chart that was kept in the housemom's
9 room or desk?

10 A. A percentage, yes, if they made that.

11 Q. You are aware of that chart?

12 A. Yes.

13 Q. You understood that chart said a minimum
14 of 5 percent on it?

15 A. Yes.

16 Q. You understand that entertainers used that
17 chart to tip out, correct?

18 A. Yes.

19 Q. In fact, that's the purpose behind it,
20 right?

21 A. Yes.

22 Q. When you hired the entertainers, you told
23 them, you gave them the orientation guidelines and in
24 those guidelines it told them to use this chart,
25 right?

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1 A. It was a guideline.

2 Q. Yes or no.

3 A. Yes.

4 Q. Do you know the purpose behind Cheetah
5 charging entertainers for VIP check-in fees?

6 A. No.

7 Q. Do you have an opinion as to why
8 entertainers were charged VIP check-in fees?

9 A. No.

10 Q. Would you agree with the statement it is
11 not uncommon for an entertainer to pay \$40 to have
12 somebody cover their shift?

13 A. Can you repeat it.

14 (The record was read by the reporter.)

15 THE WITNESS: Yes.

16 Q. (By Mr. Dudley) Yes, it is common or yes,
17 it is uncommon? It may be the way I asked the
18 question.

19 A. I am sorry.

20 Q. I just want to make sure I understand your
21 answer. I may not have asked it the best way.

22 Are you saying it is uncommon for somebody
23 to pay \$40?

24 A. It is common.

25 Q. I just wanted to make sure I understood

1 it. I am not trying to trick you.

2 A. Okay.

3 Q. Would it be uncommon for somebody to pay
4 \$80 for a cover?

5 A. I have heard of it. But that's uncommon.

6 Q. That did not happen much in your opinion?

7 A. It has happened but in -- but not much.

8 Q. In your opinion, that's a high amount.

9 A. That is a high amount.

10 Q. Have you known of occasions where it cost
11 an entertainer over a hundred to cover?

12 A. I don't know that they have been charged
13 that. Can you repeat it.

14 Q. Have you ever heard of an instance where
15 an entertainer had to pay a hundred dollars for a
16 cover?

17 A. I have heard of entertainers paying a
18 hundred dollars.

19 Q. Have you heard of entertainers paying more
20 than a hundred?

21 A. No.

22 Q. What is the highest you have ever heard an
23 entertainer paid?

24 A. A hundred.

25 Q. You are aware of an app or a shift app

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1 that entertainers use to find somebody to cover?

2 A. I have heard of it. I have never seen it.

3 Q. You are not on the site, are you?

4 A. No.

5 Q. The app.

6 A. No.

7 Q. How long would you say it takes to go
8 through the checkout process each night? I am talking
9 not you, how long it takes an entertainer to go
10 through the checkout process.

11 A. From Breathalzying to paying at the desk
12 to leave, maybe 15, 20 minutes.

13 Q. Would that include cashing out Cheetah
14 Bucks or is this just Breathalyze and going to the
15 housemom?

16 A. I don't know how long it takes to cash out
17 Cheetah Bucks.

18 Q. Are you aware of whether there is usually
19 a line at the Cheetah Bucks desk after 2:45?

20 A. I am not aware of it.

21 Q. So you don't know.

22 A. No. I don't know.

23 Q. You agree that the checkout process could
24 include going to Cheetah Buck desk, standing in line,
25 getting your cash, going to the floormen, standing in

1 line, paying him or them, going to the housemom,
2 standing in line, paying housemoms? All these
3 different things they collect every night and then
4 waiting for the lot to clear, those are the things
5 that can happen in a checkout process, right?

6 A. Yes.

7 Q. As a matter of fact, those are typical
8 things that can happen in a checkout process, right?

9 A. Yes.

10 Q. And at any given night, what is the
11 average number of entertainers working?

12 A. Maybe 60.

13 Q. You have a pretty good idea of how many
14 work if you are attending the desk. You write that
15 down in the housemom journals, right?

16 A. Yes.

17 Q. If we wanted to find an accurate number
18 for entertainers working a particular night it would
19 be in the housemom journals, would it not?

20 A. Yes.

21 Q. The housemom journals also contain records
22 of discipline of entertainers, do they not?

23 A. Yes.

24 Q. And these records include discipline for
25 not paying covers, correct?

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1 A. No.

2 Q. They include discipline for entertainers
3 not showing up for a cover, correct?

4 A. No.

5 Q. They show discipline for somebody not
6 going out through the checkout process, correct?

7 A. If someone left.

8 Q. Without going through the checkout
9 process, it would be entered in there, would it not?

10 A. Correct. Yes, it would.

11 Q. Why is that entered?

12 A. Because they didn't Breathalyze.

13 Q. They are supposed to go through the
14 checkout process before they leave, correct?

15 A. Yes.

16 Q. That's a rule.

17 A. Yes.

18 Q. And the housemoms don't Breathalyze, do
19 they?

20 A. No.

21 Q. The housemom collects money for the
22 Cheetah and themselves and the DJ as part of their
23 checkout, right?

24 A. Yes.

25 Q. As a matter of fact, that's the only thing

1 they do, correct?

2 A. During checkout?

3 Q. Yes. That's what a housemom does at
4 checkout, right?

5 A. Yes.

6 Q. Collects late fees, collects missed stage
7 fees, collects VIP check-in fees, collects their own
8 tips, collects the DJ tip, right?

9 A. Yes.

10 Q. The money from stage dancing that an
11 entertainer makes is typically paid in cash, correct?

12 A. Typically, yes.

13 Q. It is possible to be paid in Cheetah Bucks
14 for stage dancing, right?

15 A. Yes.

16 Q. Cheetah Bucks are only sold in
17 denominations of \$10 and a hundred dollars, right?

18 A. Yes.

19 Q. So unless somebody is tipping -- a
20 customer is tipping \$10 per stage dance, they probably
21 would not use a Cheetah Buck, right?

22 A. Can you repeat that.

23 MR. DUDLEY: Can you read that back.

24 (The record was read by the reporter.)

25 Q. (By Mr. Dudley) Since it comes in

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1 denominations of \$10 and a hundred, they are either
2 going to have to give the entertainer a hundred
3 dollars in Cheetah Bucks or a \$10 Cheetah Buck, right?

4 A. Yes.

5 Q. Would you say that typically if an
6 entertainer was being tipped for stage dancing that it
7 would be a \$10 Cheetah Buck? Would you agree with
8 that statement?

9 A. Typically.

10 Q. For floor dancing -- go back to that.
11 That's a sum of money that is handed by the customer
12 to the entertainer, correct?

13 A. Yes.

14 Q. And then for floor dancing which includes
15 everything other than stage dancing and VIP dancing
16 and entertaining, the entertainers are typically paid
17 in cash also, right, typically?

18 A. Typically.

19 Q. But it is also possible for stage dances
20 to be paid in Cheetah Bucks, right?

21 A. Stage dancing.

22 Q. Sorry, floor dance, table dance.

23 A. Table dance, yes, they can get paid in
24 Cheetah Bucks.

25 Q. Typically cash, it can be Cheetah Bucks,

1 correct?

2 A. Yes. Typically cash. Can be Cheetah
3 Bucks.

4 Q. Again, those are Cheetah Bucks handed by
5 the customer to the dancer or cash handed by the
6 customer to the dancer, right?

7 A. Yes.

8 Q. There is no question in your mind that
9 those dance fees for table dancing belong to the
10 dancer, correct?

11 A. Yes.

12 Q. Those payments remain in the dancers'
13 possession unless it is a Cheetah Buck that is cashed
14 out by the dancer at the end of the evening and
15 exchanged out for cash, right?

16 A. Yes.

17 Q. For VIP dancing, the customer can pay in
18 cash or Cheetah Bucks, correct?

19 A. For VIP they can pay in cash or Cheetah
20 Bucks, correct.

21 Q. It happens both ways, right?

22 A. Yes.

23 Q. Do your records distinguish whether an
24 entertainer is paid in cash or Cheetah Bucks?

25 A. No.

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1 Q. Again, customer for VIP dancing pays the
2 entertainer in cash directly or giving the entertainer
3 Cheetah Bucks and the entertainer cashes in the
4 Cheetah Bucks at the end of her shift for cash,
5 correct?

6 A. Correct.

7 Q. Now, as a housemom you have been involved
8 in accepting a cover from an entertainer and giving it
9 to another entertainer, correct?

10 A. Yes.

11 Q. And you have been involved, I assume, in
12 some way of writing down everyone who is having a
13 cover for the night, right, and who is covering for
14 them, right?

15 A. If they tell us, yes.

16 Q. Where would that document be? What do you
17 call that document?

18 A. It is called a daily.

19 Q. A daily what?

20 A. We just call it a daily worksheet.

21 Q. Daily worksheet. And where would I find
22 that document?

23 A. I turned them in to --

24 Q. Turned them in to --

25 A. Sam.

1 Q. To who?

2 A. To Sam.

3 Q. To Sam. Do you know what Sam does with
4 them?

5 A. I don't know.

6 Q. Why do you turn in this daily list of
7 people who are having covers and who are covering to
8 Sam?

9 A. It is just a daily worksheet of everyone
10 scheduled.

11 Q. Why are you turning that in to Sam?

12 A. It is just who I turn it in to. I put it
13 in a folder, Sam gets it.

14 Q. Does Sam handle covers?

15 A. I don't know.

16 Q. You don't know the reason why you are
17 giving her the list of people who are having covers
18 and who are covering and having covers?

19 A. We just write the name of the cover next
20 to who is scheduled.

21 Q. But it has both of them on there?

22 A. Yes. Most of the time.

23 Q. I can look at the document and tell --

24 A. Yes. Most of the time if someone lets us
25 know that is who is working for them, we will write it

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1 down. It is not just for that. It is to see who is
2 supposed to be there, who comes in as extra.

3 Q. At what point of your shift do you give
4 this to Sam?

5 A. It is just a weekly packet of Monday
6 through Saturday daily worksheets.

7 Q. This is something kept on a weekly basis?

8 A. Yes.

9 Q. This has been done the whole time you have
10 been a housemom?

11 A. Yes.

12 Q. Are you aware of circumstances where
13 housemoms have charged entertainers money so they
14 could leave early?

15 A. No.

16 Q. You are not aware of that ever happening?

17 A. No.

18 Q. Tell me your policy, when you are doing
19 the desk for signing in entertainers.

20 A. We ask them to sign in when they get
21 there, when they arrive.

22 Q. You use a daily timesheet?

23 A. Yes.

24 Q. And typically the entertainer will write
25 in her stage name and the time she was in?

1 A. Yes.

2 Q. What was the sheet used for?

3 A. To enter in the attendance and time of in
4 and out.

5 Q. Ultimately, I understand it can be used
6 for that. But it was also used to determine the stage
7 rotation, correct?

8 A. Yes.

9 Q. As a matter of fact, that was the initial
10 function of it and the shift is to take the names on
11 there and put them on stage rotation, correct?

12 A. Correct.

13 Q. Once the names were put on the stage
14 rotation, they were expected to be ready for their
15 stage dance, correct?

16 A. Yes.

17 Q. So if somebody arrived once the shift
18 started at 8:00, if they sign up for the stage on a
19 daily timesheet they are going to be immediately put
20 on stage rotation, right?

21 A. On rotation, but not on stage.

22 Q. I understand.

23 And if they are not ready for work, they
24 are not going to be able to do their stage dance, are
25 they?

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1 A. No. They won't.

2 Q. Now, tell me how you kept track of when an
3 entertainer left work.

4 A. How I kept track.

5 Q. Yes.

6 A. Well, if they left early, then I would
7 enter it as leaving early. If they stayed --

8 Q. I didn't hear your answer.

9 A. If they left early, I would note they left
10 out early.

11 Q. What does early mean?

12 A. They can leave anywhere from 9:00, 10:00,
13 11:00, 12:00, they leave throughout the night.

14 Q. The reason I am asking this question is
15 because I have been given timesheets. They have a
16 sign-in time but not a sign-out time. I am trying to
17 find out from you how you kept track of when they left
18 work. And where I would find that?

19 A. I don't know where you would find it. We
20 would keep an attendance record just like that with
21 the sign-in and sign-out time.

22 Q. Do you see a sign-out time on this one?

23 A. No.

24 Q. You understand what I am asking you?

25 A. Yes.

1 Q. How am I going to tell when they signed
2 out?

3 A. You cannot from that.

4 Q. Is it safe to say that Cheetah did not
5 have a sign-out record?

6 A. No. That is not safe to say. We would
7 give the benefit of the doubt they would be there
8 until 3:00.

9 Q. Is it safe to say that Cheetah clocked
10 everybody out at 3:00 rather than having them sign out
11 when they actually left?

12 A. I would sign them out.

13 MR. DUDLEY: Read that back.

14 THE WITNESS: They didn't clock out at
15 that time.

16 MR. DUDLEY: Answer that.

17 (The record was read by the reporter.)

18 THE WITNESS: They didn't clock out, but
19 we would put 3:00. Yes.

20 Q. (By Mr. Dudley) There was no requirement,
21 then, that an entertainer sign out. The housemom kept
22 track of when they left.

23 A. Yes.

24 Q. Are there any records of what time an
25 entertainer actually left?

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1 A. Other than the attendance, no.

2 Q. So if whoever was entering the data --

3 A. Yes.

4 Q. -- when there is nothing on the out, they
5 are going to put 3:00 o'clock; is that correct?

6 A. Yes. That is correct.

7 Q. Were you involved in the hiring of
8 entertainers?

9 A. No.

10 Q. You were not involved at all?

11 A. No.

12 Q. So if I asked you about documents they
13 signed when they started working, you don't have any
14 knowledge of any of those documents, correct?

15 A. When they were hired, yes.

16 Q. You do.

17 A. Yes.

18 Q. You do have knowledge.

19 A. Yes.

20 Q. Let me ask you, do you know what an
21 entertainer information sheet is?

22 A. Yes.

23 Q. On that sheet, there is a schedule
24 indicating the hours, I am sorry, indicating the days
25 an entertainer was expected to work; is that correct?

1 A. Yes.

2 Q. And on that form, there is a Monday,
3 Tuesday, Wednesday, Thursday, Friday, Saturday, which
4 are the days that Cheetah is open, correct?

5 A. Correct.

6 Q. And the entertainer would check the days
7 she was expected to work, correct?

8 A. Yes. If she was available, what days she
9 was available.

10 Q. And the reason why I am asking you about
11 this, I am trying to determine from Cheetah's records
12 the best way to tell what somebody's schedule is.

13 Would you agree with me that the dates
14 checked on the entertainer information sheet as a
15 schedule is the best place to find that?

16 A. Yes.

17 Q. When you are not at the desk, tell me what
18 you do as a housemom on the floor.

19 A. Make sure entertainers make it to their
20 stage sets. Make sure they are getting topless when
21 they get \$5; \$10, they get fully nude. Dancing
22 appropriately on stage and table dances.

23 Q. Anything else?

24 A. Well, just make sure they are following
25 rules.

Vanessa Landwerth - October 30, 2017

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1 MR. WARD: Ainsworth, I need ten minutes
2 to deal with a federal judge in Montana.

3 MR. DUDLEY: Sure.

4 (Recess from 12:21 p.m. to 1:13 p.m.)

5 Q. (By Mr. Dudley) I would like to ask you a
6 few questions about after April 9th, 2016.

7 After April 9th, 2016, Cheetah
8 reclassified employees as entertainers and started
9 paying them a two-thirteen-an-hour wage; is that
10 right?

11 A. Yes.

12 Q. At that time entertainers started clocking
13 in.

14 A. Yes.

15 Q. Tell me what the entertainers were told to
16 do so far as clocking in and out.

17 A. They enter in either their fingerprint
18 which is also matched up with their last four digits
19 of their social security number, if there is a
20 duplicate, the accountant issues them a number and
21 they clock in as an entertainer. And at the end of
22 the night they clock out and do the same, then claim
23 the tips they earned.

24 Q. When are they supposed to clock in on the
25 computer?

1 A. When they come in.

2 Q. Is that before they get ready or after
3 they are ready or ready to go out on the floor?

4 A. We ask them to clock in when they walk in,
5 before going to sit down and get ready.

6 Q. If they get ready at home, the process is
7 to clock in when they arrive?

8 A. Yes.

9 Q. And what if they want to get ready at
10 work? Are they supposed to clock in when they arrive
11 or when they are ready to go on the floor?

12 A. They clock in when they arrive.

13 Q. How do you get over the fact they clock in
14 when they arrive and they are not ready and it may
15 take an hour to get ready? How do you deal with their
16 first stage rotation?

17 A. If they are not ready, I will put them on
18 a later stage rotation to give them time.

19 Q. Has it always been done that way after
20 April 9th, 2016, or is that a recent thing?

21 A. No. I have always done that.

22 Q. You have always done that?

23 A. Well, I am guessing we all did.

24 Q. What are the entertainers told to do?

25 A. When?

Vanessa Landwerth - October 30, 2017

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1 Q. So far as checking in.

2 A. To clock in when they arrive.

3 Q. And what about the end of the shift, what
4 are they told to do?

5 A. To clock out and claim their tips.

6 Q. When are they supposed to clock out?

7 A. When they leave.

8 Q. After the parking lot is clear?

9 MR. WARD: Object to the form.

10 THE WITNESS: They are not clocking out as
11 they are leaving. Some of them are clocking out
12 as they are leaving. Some are not leaving at
13 that time. So they would stay clocked in until
14 they leave.

15 Q. (By Mr. Dudley) So they are told to clock
16 out when the parking lot is ready for you to leave?

17 A. No. We just tell them to clock out when
18 they are leaving.

19 Q. Do you agree with the statement that some
20 entertainers clock out and wait around at Cheetah
21 until the parking lot clears? Do you agree with that
22 statement?

23 A. Some stand outside of the door.

24 MR. DUDLEY: Answer that and you can
25 explain if you want to.

1 (The record was read by the reporter.)

2 THE WITNESS: Some. Yes, I do.

3 Q. (By Mr. Dudley) Are entertainers told
4 they cannot clock out until it is time for them to
5 leave? Are they told that?

6 A. Can you repeat that, please?

7 (The record was read by the reporter.)

8 THE WITNESS: I am confused by the wording
9 of it, I think. I want to answer correctly,
10 obviously.

11 Can you repeat it one more time.

12 (The record was read by the reporter.)

13 THE WITNESS: No.

14 Q. (By Mr. Dudley) And you recognize that it
15 is Cheetah's policy that if they are on the premises
16 after 2:45 an entertainer cannot leave -- if she is
17 driving -- until the parking lot clears? Do you
18 understand that's their policy?

19 A. Yes.

20 Q. Would that not indicate to you that
21 everyone that clocks out before the time they leave is
22 not being compensated on the clock? Would you agree
23 with that statement?

24 A. Yes.

25 Q. Is that a yes?

Vanessa Landwerth - October 30, 2017

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1 A. Yes.

2 Q. Post April 9th, 2016, Cheetah still
3 requires their entertainers to obtain a cover for an
4 unexcused absence, correct?

5 A. No.

6 Q. How is that statement wrong?

7 A. We ask them to switch shifts and we will
8 switch the shifts for them if they need a night off.

9 Q. Are you familiar with International
10 Follies, Inc., Entertainer Employee Policies that have
11 been in use since April 9th, 2016?

12 A. Yes.

13 Q. You are familiar with these policies
14 because you go over these policies with each
15 entertainer when they are hired, correct?

16 A. Yes.

17 Q. You represent that these are Cheetah's
18 rules to that entertainer when you are going over it,
19 right?

20 A. Yes.

21 Q. If I could ask you to look at the
22 paragraph right before company property and read that
23 to me, please.

24 MR. WARD: I am going to object to the
25 form and also this is not marked.

1 MR. DUDLEY: That's all right. I am
2 asking her to read it to me.

3 MR. WARD: You want her to read it to you
4 out loud as opposed to herself.

5 Q. (By Mr. Dudley) I want you to read it out
6 loud, please.

7 MR. WARD: Look, if he needs to be read
8 to, that's fine. The law only requires that you
9 read it to yourself.

10 THE WITNESS: Failure to report to work.
11 All employees are required to report for work
12 according to their assigned schedules. If for
13 any reason an employee cannot report to work, the
14 employee must notify a manager or housemom and
15 make arrangements for a substitute to cover her
16 shift. Not reporting to work as scheduled or
17 failing to cover a shift will result in
18 disciplinary action. An employee who fails to
19 report to work for three consecutive scheduled
20 shifts without notifying a manager will be
21 presumed to have abandoned her employment and
22 employment may be terminated.

23 Q. (By Mr. Dudley) Is it your understanding
24 that that is Cheetah's policy regarding covers post
25 April 9th, 2016?

Vanessa Landwerth - October 30, 2017

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1 A. Yes.

2 Q. Could you hand the document back to me,
3 please.

4 Can you tell me how entertainer
5 compensation changed post April 9th, 2016, other than
6 the two thirteen an hour Cheetah started paying
7 entertainers?

8 A. Only two thirteen an hour is what they are
9 paid.

10 (The record was read by the reporter.)

11 THE WITNESS: It has not changed.

12 Q. (By Mr. Dudley) Have the tipouts changed
13 post April 9th, 2016?

14 A. Yes.

15 Q. How has that changed?

16 A. The entertainers give 10 percent of their
17 total earnings to a tip pool.

18 Q. And who does that tip pool go to?

19 A. The floormen and the DJ.

20 Q. Do you understand how it is broken up?

21 A. No.

22 Q. Who collects that tip pool?

23 A. The floormen.

24 Q. So housemoms are no longer involved in the
25 collection of tipouts?

1 A. No.

2 Q. Fees or fines, correct?

3 A. No. Correct. Yes.

4 Q. What does a housemom do now in the tipout
5 process?

6 A. We Breathalyze the entertainers.

7 Q. So the housemoms now Breathalyze instead
8 of the floormen?

9 A. Yes.

10 Q. Anything else?

11 A. We also clean up the dressing room, talk
12 to the entertainers.

13 Q. Talking about the tipout process.

14 A. The tipout process. Nothing else.

15 Q. Before April 9th, 2016, you collected the
16 tipouts and the fines. After April 9th, 2016, you
17 Breathalyze. Right?

18 A. That's part of the checkout, yes.

19 Q. Is there anything else part of the post
20 April 9th, 2016, checkout that applies to the
21 housemom?

22 A. We also help them with their clock outs.

23 Q. What does that mean?

24 A. Make sure they are clocking out, help them
25 if they need to.

Vanessa Landwerth - October 30, 2017

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1 Q. They know how to do that, don't they?

2 A. If they are new, some of them don't. Some
3 might have issues with their fingerprint not going
4 through. Different things.

5 Q. What are entertainers expected to tip out
6 the housemoms post April 9th, 2016?

7 A. There is no expectation of tipout.

8 Q. There is no expectation. We have a --
9 MR. WARD: I can't hear, I am really
10 sorry.

11 THE WITNESS: We have a bucket that sits
12 on the desk. They can voluntarily tip us if they
13 would like to.

14 Q. (By Mr. Dudley) How is that different
15 from before with respect to housemom tipouts?

16 A. When they did their checkout, they would
17 tip us out, customary \$10.

18 Q. One you indicate is voluntary, the other
19 one not, right?

20 A. Yes.

21 Q. Do you know whether it is a true statement
22 that management will not retain any of the
23 entertainers' tips?

24 (The record was read by the reporter.)

25 THE WITNESS: No, I do not know.

1 Q. (By Mr. Dudley) That's certainly not true
2 before April 9th, 2016, is it?

3 A. Repeat the question again.

4 Q. Well, where did the late fees go prior to
5 April 9th, 2016?

6 A. I turned them in with my checkout.

7 Q. That went to either Cheetah or someone
8 else, right, as far as you know?

9 MR. WARD: Object to the form.

10 She already testified she didn't know.

11 Q. (By Mr. Dudley) After April 9th, 2016,
12 did any portion of an entertainer's tips go to
13 management?

14 A. No.

15 Q. You understand that Bob Johnson is a
16 manager, night manager?

17 A. Yes.

18 Q. Do you understand he got a portion of
19 entertainer tips?

20 A. He would get part of the floormen tipout,
21 yes.

22 MR. DUDLEY: I don't think I have any
23 other questions.

24 MR. WARD: You can go.

25 (Deposition concluded at 1:30 p.m.)

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1 (Pursuant to Rule 30(e) of the Federal
2 Rules of Civil Procedure and/or O.C.G.A.
3 9-11-30(e), signature of the witness has been
4 reserved.)
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C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 69 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 13th day of November, 2017.



REDA K. CORNICK, CCR-B-909

1 COURT REPORTER DISCLOSURE

2
3 Pursuant to Article 10.B of the Rules and
4 Regulations of the Board of Court Reporting of the
5 Judicial Council of Georgia, I make the following
6 disclosures:

7 I am a Georgia Certified Court Reporter. I am
8 here as a representative of WSG Reporting, LLC.

9 I am not disqualified for a relationship of
10 interest under the provisions of O.C.G.A.
11 Section 9-11-28(c).

12 WSG Reporting, LLC, was contacted by Ainsworth
13 Dudley, Esq., to provide court reporting services for
14 this deposition.

15 WSG Reporting, LLC, will not be taking this
16 deposition under any contract that was prohibited by
17 O.C.G.A. 15-14-37 (a) and (b).

18 WSG Reporting, LLC, has no exclusive contract to
19 provide reporting services with any party to the case,
20 any counsel in the case, or any reporter or reporting
21 agency from whom a referral might have been made to
22 cover this deposition.

23 WSG Reporting, LLC, will charge its usual and
24 customary rate to all parties in the case, and a
25 financial discount will not be given to any party to
this litigation.

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Renda K. Cornick, CCR-B-909
October 30, 2017

DISCLOSURE

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosures:

WSG Reporting, LLC, is not disqualified for a relationship of interest under the provisions of O.C.G.A. 9-11-28(c).

WSG Reporting, LLC, was contacted by the offices of Ainsworth Dudley to provide court reporting services for this deposition.

WSG Reporting, LLC, will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b).

WSG Reporting, LLC, has no exclusive contract to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition.

WSG Reporting, LLC, will charge its usual and customary rate to all parties in the case and a financial discount will not be given to any party to this litigation.

This the 16th day of November, 2017.



FIRM REPRESENTATIVE
WSG Reporting, LLC

1 DEPOSITION OF: VANESSA KIM LANDWERTH/RKC

2 I do hereby certify that I have read all
3 questions propounded to me and all answers given by me
4 on October 30, 2017, taken before Renda K. Cornick,
5 and that:

6 1) There are no changes noted.

7 2) The following changes are noted:

8 Pursuant to Rule 30(e) of the Federal Rules of
9 Civil Procedure and/or the Official Code of Georgia
10 Annotated 9-11-30(e), both of which read in part: Any
11 changes in form or substance which you desire to make
12 shall be entered upon the deposition...with a
13 statement of the reasons given...for making them.
14 Accordingly, to assist you in effecting corrections,
15 please use the form below:

16 Page No. Line No. should read:

17 Page No. Line No. should read:

18 Page No. Line No. should read:

19 Page No. Line No. should read:

20 Page No. Line No. should read:

21 Page No. Line No. should read:

22 Page No. Line No. should read:

23 Page No. Line No. should read:

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25 Page No. Line No. should read:

1 DEPOSITION OF: VANESSA KIM LANDWERTH/RKC

2 Page No. Line No. should read:

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7 Page No. Line No. should read:

8 Page No. Line No. should read:

9 Page No. Line No. should read:

10 If supplemental or additional pages are necessary,
11 please furnish same in typewriting annexed to this
12 deposition.

13
14 VANESSA KIM LANDWERTH

15 Sworn to and subscribed before me,
16 This the day of , 20 .

17 Notary Public
18 My commission expires:
19
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AMENDED CERTIFICATE

STATE OF GEORGIA

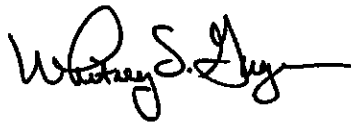
COUNTY OF GWINNETT

IN RE: ALISON VALENTE, JENNIFER BARLOW, KATHRYN
MONROE, SOPHIA SMITH, STEPHANIE LEBEAU on behalf
of themselves and all others similarly situated,
v.
INTERNATIONAL FOLLIES, INC. et al

WITNESS: VANESSA KIM LANDWERTH

I hereby certify that in addition to the certification made on Page 70
of the transcript, the more than thirty (30) days provided the witness to read
and sign the original transcript has expired. Therefore, the original is being
filed without signature of the witness.

This the 10th day of January, 2018



Whitney S. Guynes, CCR - B-1897

